

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7615

BILL NUMBER: HB 1562

NOTE PREPARED: Feb 26, 2003

BILL AMENDED: Feb 25, 2003

SUBJECT: Enhanced Penalties for Certain Offenses.

FIRST AUTHOR: Rep. Moses

FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: ☒ **GENERAL**
☒ **DEDICATED**
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill provides that a person convicted of an offense involving the use of a firearm or destructive device may receive an additional term of imprisonment. It prohibits a person sentenced to an additional fixed term from: (1) receiving a suspended sentence; or (2) being assigned to a community transition program.

Effective Date: July 1, 2003.

Explanation of State Expenditures: (Revised) The bill requires the court to impose an additional fixed-term sentence when a jury or court finds that the offender knowingly or intentionally used a firearm or destructive device in the commission of the offense.

As amended the added sentence would be as follows.

<u>Number of Prior Unrelated Felonies</u>	<u>Current Penalty</u>	<u>Added By HB 1562</u>
None	5 Years	5 Years
One	10 Years	5 Years
Two	20 Years	5 Years
Three	Life Imprisonment Without Parole	5 Years

To the extent that offenders would serve additional terms of incarceration which would not be reduced by a suspended sentence or removal to a community transition program, costs of incarceration for the state would increase.

The average expenditure to house an adult offender was \$25,087 in FY 2001. Individual facility expenditures ranged from \$18,520 to \$54,465. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner.

Explanation of State Revenues:

Explanation of Local Expenditures: (Revised) As amended, if the use of a firearm or destructive device was proven beyond a reasonable doubt as an element of the underlying offense, the jury or court would not be required to reconvene for an additional hearing. This provision could minimally reduce the costs to court operations.

Provision Concerning Life Without Parole: If the defendant is faced with life without parole, the defendant would be eligible for representation by two attorneys. In addition, there would need to be one court hearing to determine guilt and another court hearing to determine whether the defendant should be sentenced to life imprisonment without parole.

Explanation of Local Revenues:

State Agencies Affected: Department of Correction.

Local Agencies Affected: Courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs Association, Department of Correction.

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